

sale of the real estate and the application of the proceeds thereof by her testator under the direction of the Court of Chancery, as a complete discharge of his estate from all further accountability therefor. She avers that the personal estate which came to the hands of her testator has been accounted for, and in reference to the items of allowance in the final account made to or for Mrs. Bevans, she avers they were for the necessary subsistence of those parties, and insists that at this time every presumption ought to be made in their support. She insists, likewise, that the Orphans Court had authority, under the circumstances, to direct the executor to make moderate advances for the mother and children, for their reasonable and necessary subsistence. She relies upon the order of the Orphans Court, directing Benjamin Ogle to pay over the personal estate of his testatrix to John Addison, as guardian to Mrs. Bevan's children, and the actual payment thereof to Mr. Addison, as discharging him from all further liability on account of the balance of personal estate, shown to be in his hands by the final account. She avers her belief that the entire balance was paid over to the guardian, and insists that in the absence of proof to the contrary, and after the lapse of time and death of the executor and guardian, it ought to be presumed that the accounting between them was complete, and that the entire balance was paid over. She relies on the second and third administration accounts, passed in the year 1828, the order of the Orphans Court, and the distribution made pursuant to that order, as a full administration of the funds received under the provisions of the treaty of Ghent.

The answer of Laura Bevans, which, by agreement, is to be treated as the answer of John T. Bevans, insists that upon the proper construction of the will of Henry M. Ogle, deceased, the principal estate was distributable amongst the children of Mrs. Bevans, in being at the death of the testatrix, or, if the disposition in regard to the principal estate were contingent until the death of Mrs. Bevans, the estate vested in her children living at her death, and in either event Poole, as administrator of the deceased children, could have no title. She admits that